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**JUL 07 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Jeffrey A. Aaron et al.	:	
Application No. 10/675,517	:	ON PETITION
Filed: September 30, 2003	:	
Attorney Docket No. 9400-150	:	

This is a decision on the petition, filed April 13, 2009, which is being treated as petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is **GRANTED**.

The above-identified application was held abandoned because the period for seeking court review of the decision by the Board of Patent Appeals and Interferences mailed February 20, 2009 had expired and there were no allowed claims. A Notice of Abandonment was mailed March 3, 2009.

Petitioner asserts that the Notice of Abandonment mailed March 3, 2009 be withdrawn as it was premature because the period for seeking court review of the decision by the Board of Patent Appeals and Interferences mailed February 20, 2009 had not expired.

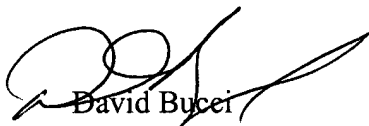
MPEP 1214.06 states:

The time for seeking review of a decision of the Board by the Court of Appeals for the Federal Circuit or the U.S. District Court for the District of Columbia is the same for both tribunals, that is, 2 months, or 2 months with the extension provided by 37 CFR 1.304 in the event a request for rehearing is timely filed before the Board, or as extended by the Director.

As the period for seeking court review of the decision by the Board of Patent Appeals and Interferences had not expired prior to the filing of a Request for Continued Examination under 37 CFR 1.114 on April 13, 2009 the examiner did not follow the provisions of MPEP 1214.06. Accordingly, the Notice of Abandonment mailed March 3, 2009 is withdrawn as premature.

The application is being referred to the Technology Center AU 2167 for further processing in accordance with the above decision.

Telephone inquiries concerning this decision should be directed to Ron Abelson at (571) 272-3165 or in his absence, the undersigned at (571) 272-7099.

A handwritten signature in black ink, appearing to read 'David Bucci', is written over the printed name.

David Bucci  
Petitions Examiner  
Office of Petitions

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